

REMARKS/ARGUMENTS

I. General Remarks.

Applicants respectfully request that the Examiner reconsider the application in view of the following remarks.

II. Disposition of the Claims.

At the time of the Office Action, Claims 1-28, 30-44, and 46-48 were pending in the application. Claims 1-3, 5-12, 17-19, 22-27, 33-35, and 37-44 were rejected. Claims 4, 14-16, 20, 21, 28, 30-32, 36, and 46-48 were objected to. Claims 1, 15-17, 31-33, 47, and 48 have been amended. Claims 14, 30, and 46 have been canceled without prejudice or disclaimer.

III. Allowable Subject Matter.

Applicants note with appreciation the Examiner's indication that Claims 4, 14-16, 20, 21, 28, 30-32, 36, and 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 17, and 33 have been amended to include limitations previously found in Claims 14, 30, and 46, respectively. Therefore, Applicants respectfully submit that all claims now pending in this application are in condition for allowance.

IV. Remarks Regarding Rejections Under 35 U.S.C. § 102.

A. Claims 1-3, 6-11, 17-19, 22-27, 33-35, and 38-43 are not Anticipated by the *Harris* Reference.

Claims 1-3, 6-11, 17-19, 22-27, 33-35, and 38-43 were rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,566,760 issued to Harris ("*Harris*"). Applicants respectfully traverse these rejections for the reasons noted below.

In order to establish a *prima facie* case of anticipation, all the elements of the claimed invention must be found within a single prior art reference. M.P.E.P. § 706.02; *Dewey & Almy Chemical Co. v. Mimex*, 124 F.2d 986, 52 U.S.P.Q. 138 (2d Cir. 1942). Applicants respectfully submit that each and every element of Claims 1-3, 6-11, 17-19, 22-27, 33-35, and 38-43 is not found within the *Harris* reference.

Claim 1, as amended, recites:

A method of treating a subterranean formation penetrated by a well bore comprising:

preparing or providing an aqueous treating fluid composition comprising water, a water soluble hydrophobically modified gelling agent polymer produced by grafting a low concentration of hydrophobic monomers onto said gelling agent polymer, a crosslinking agent, and an ionic surfactant having a hydrophobic chain portion associated with said hydrophobic monomers grafted onto said gelling agent polymer resulting in gelling agent polymer molecules having increased radiuses of gyration, wherein said ionic surfactant is present in said treating fluid composition in an amount in the range of from about 0.01% to about 0.025% by weight of said composition; and

pumping said aqueous treating fluid composition into said subterranean formation.

Applicants respectfully submit that *Harris* fails to teach, suggest, or disclose each of these elements. As the Office Action recognizes, *Harris* fails to teach, suggest, or disclose “preparing or providing an aqueous treating fluid composition comprising . . . a crosslinking agent.” See Office Action, p. 4. For at least this reason, Applicants submit Claim 1, as amended, is allowable over the *Harris* reference. As such, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Similar to Claim 1, Claims 17 and 33 also recite fluids comprising “a crosslinking agent.” Therefore, Applicants submit that Claims 17 and 33 are allowable, for example, for reasons similar to those discussed above with regard to Claim 1. As such, Applicants respectfully request that the rejections of Claims 17 and 33 be withdrawn.

Claims 2, 3, 6-11, 18, 19, 22-27, 34, 35, and 38-43 depend, directly or indirectly, from independent Claims 1, 17, and 33. Therefore, Applicants submit that Claims 2, 3, 6-11, 18, 19, 22-27, 34, 35, and 38-43 are allowable, for example, for reasons similar to those discussed above with regard to Claims 1, 17, and 33. As such, Applicants respectfully request that the rejections of Claims 2, 3, 6-11, 18, 19, 22-27, 34, 35, and 38-43 be withdrawn.

B. Claims 1, 2, 5, 10, 11, 33, 34, 37, 42, and 43 are not Anticipated by the *Varadaraj* Reference.

Claims 1, 2, 5, 10, 11, 33, 34, 37, 42, and 43 were rejected under U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2001/0020531 by Varadaraj et al. ("*Varadaraj*"). Applicants respectfully traverse these rejections for the reasons noted below.

As stated above, all the elements of the claimed invention must be found within a single prior art reference to establish a *prima facie* case of anticipation, to establish a *prima facie* case of anticipation. M.P.E.P. § 706.02; *Dewey & Almy Chemical Co. v. Mimex*, 124 F.2d 986, 52 U.S.P.Q. 138 (2d Cir. 1942). Applicants respectfully submit that each and every element of Claims 1, 2, 5, 10, 11, 33, 34, 37, 42, and 43 is not found within the *Varadaraj* reference.

Claim 1, as amended, recites:

A method of treating a subterranean formation penetrated by a well bore comprising:

preparing or providing an aqueous treating fluid composition comprising water, a water soluble hydrophobically modified gelling agent polymer produced by grafting a low concentration of hydrophobic monomers onto said gelling agent polymer, a crosslinking agent, and an ionic surfactant having a hydrophobic chain portion associated with said hydrophobic monomers grafted onto said gelling agent polymer resulting in gelling agent polymer molecules having increased radiuses of gyration, wherein said ionic surfactant is present in said treating fluid composition in an amount in the range of from about 0.01% to about 0.025% by weight of said composition; and

pumping said aqueous treating fluid composition into said subterranean formation.

Applicants respectfully submit that *Varadaraj* fails to teach, suggest, or disclose each of these elements. As the Office Action recognizes, *Varadaraj* also fails to teach, suggest, or disclose "an aqueous treating fluid composition comprising . . . a crosslinking agent." See Office Action, p. 4. For at least this reason, Applicants submit Claim 1, as amended, is allowable over the *Varadaraj* reference. As such, Applicants respectfully request the rejection of Claim 1 be withdrawn.

Similar to Claim 1, Claim 33 recites "an aqueous treating fluid composition . . . comprising . . . a crosslinking agent." Therefore, Applicants submit that Claim 33 is allowable,

for example, for reasons similar to those discussed above with regard to Claim 1. As such, Applicants respectfully request that the rejection of Claim 33 be withdrawn.

Claims 2, 5, 10, and 11 and Claims 34, 37, 42 and 43 depend from Claims 1 and 33, respectively. Therefore, Applicants submit that Claims 2, 5, 10, 11, 34, 37, 42, and 43 are allowable, for example, for reasons similar to those discussed with regard to Claims 1 and 33. As such, Applicants respectfully request that the rejection of Claims 2, 5, 10, 11, 34, 37, 42 and 43 be withdrawn.

V. Remarks Regarding Rejections Under 35 U.S.C. § 103.

A. Claims 1, 2, 5, 10-12, 33, 34, 37, and 42-44 are not Obvious in View of the *Varadaraj* Reference.

Claims 1, 2, 5, 10-12, 33, 34, 37, and 42-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Varadaraj*. Applicants respectfully traverse these rejections for the reasons noted below.

In order to establish a *prima facie* case of obviousness of a claimed invention, all claim limitations must be taught or proposed by the prior art. *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974). Applicant respectfully submits that each and every element of Claims 1, 2, 5, 10-12, 33, 34, 37, and 42-44 is not found within the *Varadaraj* reference.

Claim 1, as amended, recites:

A method of treating a subterranean formation penetrated by a well bore comprising:

preparing or providing an aqueous treating fluid composition comprising water, a water soluble hydrophobically modified gelling agent polymer produced by grafting a low concentration of hydrophobic monomers onto said gelling agent polymer, a crosslinking agent, and an ionic surfactant having a hydrophobic chain portion associated with said hydrophobic monomers grafted onto said gelling agent polymer resulting in gelling agent polymer molecules having increased radiuses of gyration, wherein said ionic surfactant is present in said treating fluid composition in an amount in the range of from about 0.01% to about 0.025% by weight of said composition; and

pumping said aqueous treating fluid composition into said subterranean formation.

As discussed above, *Varadaraj* fails to teach, suggest, or disclose “a crosslinking agent.” For at least this reason, Applicants submit Claim 1 is allowable over the *Varadaraj* reference. As such, Applicants respectfully request that the rejection of Claim 1 be withdrawn.

Similar to Claim 1, Claim 33 recites “an aqueous treating fluid composition . . . comprising . . . a crosslinking agent.” Therefore, Applicants submit that Claim 33 is allowable, for example, for reasons similar to those discussed above with regard to Claim 1. As such, Applicants respectfully request that the rejection of Claim 33 be withdrawn.

Claims 2, 5, and 10-12 and Claims 34, 37, and 42-44 depend from Claims 1 and 33, respectively. Therefore, Applicants submit that Claims 2, 5, 10-12, 34, 37, and 42-44 are allowable, for example, for reasons similar to those discussed with regard to Claims 1 and 33. As such, Applicants respectfully request that the rejection of Claims 2, 5, 10-12, 34, 37, and 42-44 be withdrawn.

Should the Examiner continue to maintain this rejection, to the extent the Examiner relies upon “common knowledge,” “well known” principles, or “official notice” to establish this rejection, Applicants request that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. § 1.104(d)(2).

VI. No Waiver.

All of Applicants’ argument are made without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in an Appeal, if appropriate. Moreover, Applicants’ silence in the face of any additional statements made by the Examiner, for example, statements regarding what would be obvious to one of ordinary skill in the art, should not be interpreted as acquiescence. Instead, Applicants believe the example distinctions discussed herein are sufficient to overcome the Examiner’s rejections.

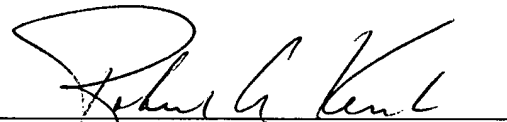
SUMMARY

In light of the above remarks and amendments, Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments, or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

As is appropriate for the One-Month Petition for Extension of Time to File this Response, I authorize the Commissioner to charge such fees to Halliburton Energy Services' Deposit Account No. 08-0300 in the amount of \$120.00 under 37 C.F.R. § 1.136(a).

Applicants believe no other fees are due in association with this filing. However, should the Commissioner deem that any fees are due, including any fees for extensions of time, the Commissioner is authorized to debit the Deposit Account No. 08-0300 of Halliburton Energy Services, Inc. for any such underpayment.

Respectfully submitted,



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Date: June 23, 2006